

APPEAL NO. 020753
FILED MAY 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 25, 2002. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, includes blurred vision, dizziness, anxiety, short-term memory loss, post-concussion syndrome, and cognitive impairment, and that the claimant had disability, as defined by Section 401.011(16), from _____, through the date of the CCH. The appellant (self-insured) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury when he was struck in the head by a piano dolly. The claimant had the burden of proof on the disputed issues regarding the extent of the injury and disability. Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). With regard to the self-insured's argument regarding maximum medical improvement (MMI), we note that MMI was not an issue at the CCH and that MMI and disability have different definitions. Sections 401.011(30) and (16).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is, **a self-insured governmental entity**, and the name and address of its registered agent for service of process is

**KM
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Susan M. Kelley
Appeals Judge